

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

BERES COX,

Case No.: 3:17-bk-01586-PMG

Debtor.

Chapter 7

**APPLICATION OF JACOB A. BROWN OF THE LAW FIRM
OF AKERMAN LLP AS ATTORNEY FOR THE ESTATE FOR
ALLOWANCE OF ADMINISTRATIVE FEES AND EXPENSES**
(Notice to be provided by the NFR)

COMES NOW Jacob A. Brown, Esq. and Akerman LLP (the "Firm"), counsel for Gordon P. Jones, as Chapter 7 Trustee (the "Trustee"), who file this fee application and respectfully represent:

1. The Firm was appointed as attorney for the Trustee on authorization of the Court.
2. The Firm seeks compensation for 18.30 hours expended rendering legal services to the Trustee in the amount of \$5,222.50 and for incurred expenses in the amount of \$206.95.

This amount was derived as follows:

	<u>Hours</u>	<u>Blended Rate</u>	<u>Amount Requested</u>
Fees	18.30	\$285.38	\$5,222.50
Expenses	n/a	n/a	\$206.95
Total Fees & Expenses through October 4, 2017			<u>\$5,429.45</u>

3. This application covers legal services from June 26, 2017 through October 4, 2017, for which the Firm is requesting compensation for legal services rendered in the amount of \$5,222.50 and reimbursement for expenses incurred in the amount of \$206.95, for a total of \$5,429.45.

4. The Firm has rendered legal services in the amount of \$5,222.50 and incurred expenses of \$206.95, for a total of \$5,429.45. Expenses incurred include, *inter alia*, filing and recording fees; photocopying; overnight mail charges (regular rates for FedEx); fees for Public Access to Court Electronic Records (PACER); and postage, all of which are described in greater detail in **Exhibit A** attached hereto.

5. Nature, Extent and Value of Services. This Chapter 7 case was filed on May 2, 2017. On June 26, 2017, the Trustee filed an application requesting authorization to employ and appoint Jacob A. Brown, Esq. and the Firm as attorney for the estate in this matter (the "Application") (Doc. 21). The Court approved the Application on June 26, 2017, in accordance with § 330 of the United States Bankruptcy Code (Doc. 22).

On June 29, 2017, the Firm, on behalf of the Trustee, filed a Motion for Turnover of Property of the Estate (Doc. 25). On June 29, 2017, the Firm, on behalf of the Trustee, filed a Trustee's Notice of Rule 2004 Examination of Debtor (Doc. 26). On July 25, 2017, the Firm, on behalf of the Trustee, filed a Trustee's Notice of Rescheduled Rule 2004 Examination of Debtor (Doc. 28). On July 26, 2017, the Firm, on behalf of the Trustee, conducted a Rule 2004 exam of the Debtor at which time the Debtor produced documents, which the Firm reviewed and analyzed.

The Firm negotiated a settlement with the Debtor whereby the Debtor agreed to, *inter alia*, pay the estate \$7,500 to buy back the estate's interest in a 2008 Nissan Altima and various household goods and furnishings. On July 26, 2017, the Firm, on behalf of the Trustee, filed the Trustee's Notice of Intent to Sell Property of the Estate at Private Sale (Doc. 29) and Motion to Extend Time Within Which the Chapter 7 Trustee and the United States Trustee May File a Complaint Objecting to Debtor's Discharge Under 11 U.S.C. § 727 (Doc. 30). On July 27, 2017,

the Court entered the Consent Order Granting Trustee's Motion for Turnover of Property of the Estate (Doc. 33) and Order Granting Motion of Gordon P. Jones, Chapter 7 Trustee, to Extend the Time Within Which the Chapter 7 Trustee and the United States Trustee May File a Complaint Objecting to Debtor's Discharge Under 11 U.S.C. § 727 (Doc. 34).

On August 11, 2017, the Debtor filed a Motion to Dismiss Case (Doc. 40). On August 14, 2017, the Firm, on behalf of the Trustee, filed a Trustee's Response in Opposition to Debtor's Motion to Dismiss Case (Doc. 42). A preliminary hearing on the Motion to Dismiss Case was held on August 30, 2017. On September 1, 2017, the Court entered the Order Denying Debtor's Motion to Dismiss (Doc. 46) (the "Order"). In accordance with the Order, the Trustee retained \$9,216.36 the Trustee previously received from Bank of America.

The time records maintained by each person performing services for the Trustee in this matter show the nature, extent and value of the services. The time records reflect the services performed, including review of pertinent documents, draft position and demand correspondence, participation in settlement negotiations, and assistance in preparation of, *inter alia*, the Motion for Turnover of Property of the Estate (Doc. 25), Trustee's Notice of Intent to Sell Property of the Estate at Private Sale (Doc. 29), and Trustee's Response in Opposition to Debtor's Motion to Dismiss Case (Doc. 42). The time records fully document the hours expended by the Firm in performing professional services on behalf of the Trustee during the pendency of the Firm's engagement. The reasonable expenses associated with the services are included on the last page of each periodic time report.

6. Customary Fee. The Firm agreed to perform its services to the Trustee during the pendency of this case pursuant to its customary compensation practices and regular hourly billing practices. The Firm is normally compensated on an hourly basis and bills clients on a

periodic, most often monthly, basis upon hourly rates of \$165 per hour for paralegals, \$300 per hour for Katherine C. Fackler, and \$395 per hour for Jacob A. Brown. The attorneys assigned to this case performed their services for the Trustee at their standard hourly rates.

7. The fees requested are contingent insofar as they are subject to this Court's approval prior to being paid and are contingent upon the Debtor's estate being sufficiently solvent to pay all administrative expenses.

8. Time Limitations Imposed By the Client or the Circumstance. The services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of this Chapter 7 case.

9. The Amount Involved and the Results Obtained. The Firm worked with the Trustee to negotiate a settlement with the Debtor, which yielded \$9,216.36 to the estate. Additionally, the Firm worked with the Trustee and the Debtor to prepare the appropriate documentation for submission to the Court.

10. Experience, Reputation, and Ability of the Attorney. The Firm is a well-known law firm. The Firm enjoys a good reputation and has proven substantial ability in the fields of bankruptcy, litigation, corporate, real estate, and tax law, among others. Jacob A. Brown, a partner at the Firm, had primary responsibility for this case. Mr. Brown has substantial experience in bankruptcy, which he believes enabled him to obtain a favorable result with minimal time and expenditure.

11. The legal representation of the Trustee was not undesirable from a practice standpoint. However, the representation was undesirable to the extent there is a risk of nonpayment for attorney time expended and costs incurred and for a longer time lag than is

normal in the typical practice of law where clients are billed and payment received in a normal billing cycle.

12. There is no agreement or understanding between the Firm and any other person for sharing the compensation requested in this application.

WHEREFORE, Akerman LLP respectfully requests reasonable compensation in the amount of \$5,222.50 for services rendered and \$206.95 for the reimbursement of expenses, for a total of \$5,429.45.

Dated: October 16, 2017

AKERMAN LLP

By: /s/ Jacob A. Brown

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Attorneys for Gordon P. Jones, Chapter 7 Trustee



Akerman LLP
Post Office Box 4906
Orlando, FL 32802
Tel: 407.254.2305
Fax: 407.254.3408

Invoice Date October 16, 2017
Invoice No. 9290181

GORDON P. JONES
CHAPTER 7 TRUSTEE
P.O. BOX 600459
JACKSONVILLE, FL 32260-0453

Client Name: **JONES, GORDON P., CHAPTER 7 TRUSTEE**
 11/2016
Matter Name: **COX, BERES**
Matter Number: **0328482**

For professional services rendered through October 04, 2017 as summarized below:

Services	\$5,222.50
Disbursements	<u>\$206.95</u>
TOTAL THIS INVOICE	\$5,429.45

*To ensure proper credit to the above account, please indicate invoice no. 9290181
Return remittance sheet with payment in US funds.*

Wired funds accepted:
Akerman LLP Operating Account
c/o SunTrust Bank, Atlanta, GA
ABA Number: 061000104
Account Number: 0215-252207533
Swift code SNTRUS3A (For International Wires Only)
IRS EIN 59-3117860

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0328482 COX, BERES Invoice Number 9290181

<u>Date</u>	<u>Services</u>	<u>Initials</u>	<u>Hours</u>	<u>Value</u>
29-Jun-17	Draft Motion for Turnover of Property of the Estate and Notice of Rule 2004 Examination and coordinate electronic filing and service of same.	JSM	0.80	132.00
29-Jun-17	Review and revise draft Motion for Turnover of Property of the Estate.	MKF	0.20	60.00
3-Jul-17	Review file and documents from Debtor and prepare potential settlement offer.	MKF	0.80	240.00
10-Jul-17	Correspondence with Trustee regarding plan going forward.	MKF	0.20	60.00
13-Jul-17	Call with US Trustee regarding 2004 examination.	MKF	0.20	60.00
19-Jul-17	Assistance with preparation for 2004 exam.	JSM	0.10	16.50
19-Jul-17	Correspondence with US Trustee regarding 2004 examination issues.	MKF	0.30	90.00
24-Jul-17	Preparation for 2004 examination of Debtor.	JAB	0.30	118.50
25-Jul-17	Continued preparation for 2004 examination (.3); communications with Debtor regarding no show and rescheduling (.1); preparation for hearing on stay relief motion (.2).	JAB	0.60	237.00
25-Jul-17	Assistance with preparation for 2004 exam (.2); draft Notice of Rescheduled Rule 2004 Exam and coordinate electronic filing and service of same (.2).	JSM	0.40	66.00
25-Jul-17	Correspondence with Trustee regarding stay relief issues.	MKF	0.20	60.00
26-Jul-17	Prepare for and participate in preliminary hearing (1.0); conduct 2004 examination of Debtor and corresponding settlement communications (1.5); attention to finalizing sale/settlement documents (.3).	JAB	2.80	1,106.00
26-Jul-17	Attend 2004 examination and prepare summary of Debtor's responses to U.S. Trustee's questions regarding bankruptcy petition preparer.	JSM	2.00	330.00
26-Jul-17	Prepare UCC and draft Motion to Extend Discharge Deadline, proposed Order, and Debtor's Consent (.2); coordinate electronic filing and service of Trustee's Notice of Intent to Sell Property of the Estate at Private Sale and Motion to Extend Discharge Deadline (.2); email to counsel for America Express Bank forwarding Debtor's Schedules (.1); email to Debtor regarding documents to provided (.1).	JSM	0.60	99.00

Exhibit A

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<u>Date</u>	<u>Services</u>	<u>Initials</u>	<u>Hours</u>	<u>Value</u>
26-Jul-17	Prepare Consent Order on Trustee's Motion for Turnover of Property of the Estate and Notice of Intent to Sell Property at Private Sale.	MKF	1.00	300.00
27-Jul-17	Communications with Debtor regarding settlement terms.	JAB	0.20	79.00
27-Jul-17	Prepare Proof of Service of (i) Consent Order Granting Trustee's Motion for Turnover of Property of the Estate (Doc. 33) and (ii) Order Granting Motion of Gordon P. Jones, Chapter 7 Trustee, to Extend the Time Within Which the Chapter 7 Trustee and the United States Trustee May File a Complaint Objecting to Debtor's Discharge Under 11 U.S.C. Â§ 727 (Doc. 34) and coordinate electronic filing and service of same.	JSM	0.10	16.50
28-Jul-17	Communications with Debtor and Trustee regarding Debtor's request for withdraw.	JAB	0.40	158.00
30-Jul-17	Email communications to Debtor in Response to Debtor's latest email.	JAB	0.30	118.50
31-Jul-17	Communications with U.S. Trustee and Trustee regarding case issues.	JAB	0.20	79.00
11-Aug-17	Draft demand letter to Linford Brown.	JSM	0.30	49.50
14-Aug-17	Review Motion to Dismiss and Draft Response to same (.4); email communication with Trustee regarding case issues (.1).	JAB	0.50	197.50
14-Aug-17	Draft Response in Opposition to Motion to Dismiss Case and coordinate electronic filing and service of same.	JSM	0.50	82.50
14-Aug-17	Review Finder Report on Maynard Munroe, draft demand letter to Mr. Munroe, and finalize same.	JSM	0.60	99.00
14-Aug-17	Finalize demand letter to Linford Brown and coordinate service of same.	JSM	0.20	33.00
14-Aug-17	Revise Response to Debtor's Motion to Dismiss Case.	MKF	0.30	90.00
17-Aug-17	Communications with Trustee regarding bank account and upcoming hearings.	JAB	0.20	79.00
29-Aug-17	Preparation for Hearing on Motion to Dismiss.	JAB	0.40	158.00
30-Aug-17	Continued preparation for and participation in hearings on Motion to Dismiss and for Stay Relief (.7); attention to preparing proposed order (.2).	JAB	0.90	355.50
31-Aug-17	Revise and finalized draft proposed order (0.3); review corresponding from Mr. Munroe and forward same to Trustee and Us Trustee (0.2).	JAB	0.50	197.50

Exhibit A

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<u>Date</u>	<u>Services</u>	<u>Initials</u>	<u>Hours</u>	<u>Value</u>
31-Aug-17	Preparation of draft proposed order and attention to case closing related issues.	JSM	1.20	198.00
6-Sep-17	Prepare Proof of Service of Order Denying Debtor's Motion to Dismiss (Doc. 46) and coordinate electronic filing and service of same.	JSM	0.10	16.50
7-Sep-17	Review Court Orders and forward same to Debtor.	JAB	0.20	79.00
27-Sep-17	Prepare fee application.	JSM	0.50	82.50
2-Oct-17	Finalize fee application.	JAB	0.20	79.00
Total Services				\$5,222.50

<u>Date</u>	<u>Disbursements</u>	<u>Value</u>
29-Jun-17	POSTAGE	0.67
25-Jul-17	POSTAGE	0.46
26-Jul-17	POSTAGE	2.76
26-Jul-17	POSTAGE	0.67
14-Aug-17	POSTAGE	26.24
14-Aug-17	POSTAGE	1.84
6-Sep-17	POSTAGE	0.46
Total for POSTAGE		33.10
31-Aug-17	COURT REPORTER - MCDONALD COURT REPORTING INC - Court Reporter Appearance Fee 7/25 and 7/26/17 - Beres Cox, 2004 Exam. Inv#2109. JG/4667	170.00
Total for COURT REPORTER		170.00
31-Aug-17	LIBRARY RESEARCH CHARGES Accurint 40 081417	3.85
Total for MISCELLANEOUS LIBRARY CHARGES		3.85
Total Disbursements		\$206.95

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<u>Initial</u>	<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
JAB	J. A. BROWN	7.70	395.00	3,041.50
JSM	J. S. MEEHAN	7.40	165.00	1,221.00
MKF	M. K. FACKLER	3.20	300.00	960.00
	Total	18.30		\$5,222.50